

1 Q. Do you visit with him and his family?

2 A. Some.

3 Q. Do they visit with you?

4 A. Some.

5 Q. But you consider yourself as a real good friend.

6 A. Yes.

7 Q. Thank you.

8 (Whereupon witness excused)

9 LIX EURGE, called as a witness for and on behalf of  
10 defendants, was sworn and testified as follows:

11 DIRECT EXAMINATION

12 BY MR. HENDRICKS:

13 May it please the Court, this is Mr. Lix Furge.

14 Q. Where do you live Mr. Furge?

15 A. Meridian, Mississippi.

16 Q. State your business?

17 A. I'm in the oil business.

18 Q. How long have you lived in Meridian?

19 A. Since 1940.

20 Q. Do you know Mr. B. L. Aiken?

21 A. Yes I do.

22 Q. How long have you known him?

23 A. Oh, approximately ten years.

24 Q. Where does he live?

25 A. Meridian.

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Q Do you know his general reputation for peace and violence in this community where he lives?

A Well, I know-----

Q Do you know it?

A Yes.

Q Is it good or bad?

A Its good.

Q Thank you.

CROSS EXAMINATION

BY MR. HAUBERG:

Q Mr. Fruge, has Mr. Aiken had any oil business with you?

A No, he doesn't run a station.

Q What does he do here?

A He runs a trailer court.

Q How long has he been running a trailer court?

A Oh, approximately ten years I would guess.

Q Have you bought any trailers from him?

A Yes, I have bought two trailers from him.

Q Then you have had business dealings with him then?

A Right.

Q Do you consider him one of your friends?

A No, he's just a good business man.

Q How often would you see him over this period of

end.

of

1 A. Oh I see him two or three times a week.

2 Q. Do you go to his place?

3 A. No, we drink coffee together at a restuarant

4 nearby my office.

5 Q. Would that be by prearrangement?

6 A. No.

7 Q. Just run into him?

8 A. Along with other men.

9 Q. Did you learn about the development up in Neshoba

10 County in 1964?

11 A. Through the press, yes.

12 Q. You did learn about that did you?

13 A. I read it through the newspaper, yes sir.

14 Q. And do you recall about the time Mr. Aiken got

15 arrested in connection with it?

16 A. Through the press.

17 Q. But you did know he had gotten arrested in

18 connection with it?

19 A. Oh yes.

20 Q. And you have had no visits with him in his home

21 or he in your home?

22 A. No, I don't even know where he lives.

23 Q. That's all, just a minute, if it please the Court.

24 Did you say you don't know where he lives?

25 A. I don't know the residence.

1 Q Well how do you know he lives in Meridian?

2 A Because I see him every day.

3 Q But of your own personal knowledge you don't  
4 know where he lives in Meridian or outside of  
5 Meridian?

6 A I know he lives in Meridian.

7 Q All right, just tell us how you know that?

8 A Just because we've fixed a heater in his house  
9 and the type of business I'm in.

10 Q Have you ever been to his house?

11 A No, I have not. I don't fix the heaters, my men  
12 fixes them.

13 Q I may have misunderstood you, but I thought I  
14 understood you to say that you don't know where  
15 he lives in Meridian?

16 A Well, I've never been to his home.

17 Q Well, is it your testimony now that you do know  
18 where he lives?

19 A No, I don't, personally, I don't know.

20 Q Well, do you say you know positively that he lived  
21 in Meridian?

22 A Yes.

23 REDIRECT EXAMINATION

24 BY MR. HENDRICKS:

25 Q Mr. Fruge when you were requested to go out to his

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home and fix the heater that was in Meridian  
wasn't it?

BY MR. HAUBERG:

We object to his leading.

BY THE COURT:

Restate your question.

BY MR. HENDRICKS:

Q Was that in Meridian?

A Yes.

Q Have your business dealings with Mr. Aiken  
been pleasant and fair?

BY MR. HAUBERG:

We object to that.

BY MR. HENDRICKS:

He opened it, Your Honor, he asked him about his  
business dealings.

BY THE COURT:

Overruled.

BY MR. HENDRICKS:

Q Have your business dealings been fair?

A Yes.

Q Is he an honest business man?

BY MR. HAUBERG:

Your Honor, we object to leading?

BY THE COURT:

BY ME  
BY  
BY

Overruled.

BY MR. HENDRICKS:

A. Have they?

A. Yes sir.

Q. That's all.

(Whereupon witness excused)

B. D. BURNSIDE, called as a witness for and on behalf of defendants, was sworn and testified as follows:

DIRECT EXAMINATION

BY MR. PIGFORD:

May it please the Court, this is Mr. B. D. Burnside.

B U R N S I D E.

Q. Mr. Burnside, where do you live, please?

A. 605-51st Avenue.

Q. What city?

A. Meridian, Mississippi.

Q. Now, Mr. Burnside, do you know Mr. B. L. Akin?

A. Yes sir.

Q. How long have you known Mr. Akin?

A. I've known him about eight years, I would say, eight or nine years.

Q. Do you know him and did you have any conversation with him in June of 1964?

A. Yes sir.

Q. Do you recall the date which you had a conversation

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1 with Mr. B. L. Akin?

2 A. Yes sir, it was June the 21st?

3 Q. And on that date, what was the first conver-  
4 sation that you had with him?

5 A. Well, the first time at church on Sunday morning.

6 Q. Are you both members of the same church?

7 A. Yes sir.

8 Q. And about what time was that, Mr. Burnside?

9 A. I believe it was 11:00 o'clock.

10 Q. Now without telling us what you all said, tell  
11 the Court and Jury the nature of that conver-  
12 sation?

13 BY MR. HAUBERG:

14 We object to any conversation, if the Court please.

15 BY THE COURT:

16 Sustained.

17 BY MR. PIGFORD:

18 Q. All right sir. Mr. Burnside, did you later  
19 see Mr. Aiken on that day?

20 A. Yes sir.

21 Q. Where did you see him?

22 A. I saw him at his office.

23 Q. What was the occasion of you seeing him at his  
24 office?

25 A. Well, Mr. Akin was opening up a new trailer

1 lot at Chalmett, Louisiana, and he needed a  
2 manager for his lot at Slidell, Louisiana, and  
3 he wanted to talk with me about accepting that  
4 position.

5 Q. Now what kind of work were you doing at this time?

6 A. I was selling automobiles.

7 Q. And how long at that time had you been selling?

8 A. About fifteen years.

9 Q. And was that known to Mr. Akin?

10 A. Yes sir.

11 Q. And where was it that you were working at that  
12 time?

13 A. At that time I was working for Selers Oldsmobile.

14 Q. I see. Now, where is this office that you saw  
15 Mr. Akin?

16 A. Its on Tom Bailey Drive.

17 Q. Can you tell us sir, what is on the east side of  
18 that office?

19 A. Its a garage on the east side of it.

20 Q. What is on the west side of that office?

21 A. Well its just a field on the west side.

22 Q. What if anything was there on the property that  
23 Mr. Akin's office was on?

24 A. Well there were trailers, house trailers.

25 Q. What kind of business was he in?

- 1 Q He sold house trailers.
- 2 Q And about what time did you see him that after-
- 3 noon?
- 4 A I saw him there I guess about 6:00 o'clock or a
- 5 little after six.
- 6 Q I'll ask you please sir if the business you were
- 7 there on concerned what you had a conversation
- 8 about that morning?
- 9 A Yes sir.
- 10 Q And why was it that you were down on that afternoon
- 11 instead of talking about it that morning?
- 12 A Well, I wanted to go down to his office and dis-
- 13 cuss the proposition he had made me more fully
- 14 and I was interested in it and that was the reason
- 15 I was there.
- 16 Q And how did you get to that office?
- 17 A I drove in my car down there.
- 18 Q And where did you park your car with reference to
- 19 the office, Mr. Burnside?
- 20 A I parked in the front of the office.
- 21 Q Now, who was there other than Mr. Akin when you
- 22 first arrived?
- 23 A Well there was a good many people looking at
- 24 trailers around the lot?
- 25 Q Did you recognize any of them?

A. I don't remember anybody in particular except me and my wife.

Q. And you saw these people around the lot?

A. Yes sir, I saw them around the lot.

Q. Now Mr. Burnside, after you got there, what did you go, where did you go?

A. Well, Mr. Akin was in the office there. We walked back, he told me to come in the back office, and we walked back into the back office--

BY THE COURT:

Have you told us what date this is that you are talking about?

BY THE WITNESS:

It was on June the 21st, 1964.

BY MR. PIGFORD:

Q. Mr. Burnside, what is the arrangement of his office, or what was it at that time?

A. Well, his office was in a trailer and it was divided in two offices, one front office and a hall and back office with a restroom in between as I remember it.

Q. Now how long did you and Mr. Akin talk on that occasion?

A. We talked several hours.

Q. Was there any interruptions during your talk?

1 A. Well yes sir.

2 Q. What was it?

3 A. Well one of his salesmen had a deal on the trailer  
4 in the front office and he came back in there  
5 and discussed it with Mr. Akin.

6 Q. About what time was that, Mr. Burnside, to the  
7 best of your recollection?

8 A. I'd say about, probably around seven o'clock.

9 Q. What was that man's name, if you know?

10 A. Mr. Clark. Mr. Charlie Clark.

11 Q. Mr. Charlie Clark?

12 A. Yes sir.

13 Q. Do you know where he is at the present time?

14 A. Well, he's dead. He died about three months ago.

15 Q. Now was there any other interruption during  
16 your conversation with Mr. Akin?

17 A. I don't recall any. I believe Mr. Clark came  
18 in two or three times.

19 Q. Now, Mr. Burnside, I'll ask you please sir if the  
20 door was opened or closed in the office where  
21 you were?

22 A. The door was closed.

23 Q. Did you and Mr. Akin go anywhere during the time  
24 you were with him on that occasion?

25 A. Yes sir, we went down and got coffee.

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Q Where did you go to get coffee?

A We went to the Lamp Post.

Q Where is that with reference to Mr. Akin's office?

A Well, its about two blocks east of his office.

Q I'll ask you please sir, whether this was not the closest place to get coffee to his place?

A Yes sir, it is the closest place.

Q Now, Mr. Burnside, how did you go to the Lamp Post?

A How did we go?

Q Yes sir, by what means of travel?

A We drove down there.

Q Whose car did you use?

A Mr. Akin's.

Q Did you get out of the car at the lamp post or not?

A We got out and went in, yes sir.

Q How long would you say you stayed there getting coffee on this occasion?

A I would say probably twenty minutes or something like that.

Q And then what did you do on that occasion?

A We came back down to his office.

Q I'll ask you please sir, to the best of your recollection how long did you stay there or

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1                    what time was it when you did leave there?

2                    A.    It was pretty late, I would say about ten o'clock.

3                    Q.    All right sir, I will ask you, while you were

4                                       there, did you notice anything unusual occurrences

5                                       around his office or around his trailer lot there?

6                    A.    No sir, I didn't.

7                    Q.    All right sir, what did you do when you did leave?

8                    A.    I went home.

9                    Q.    I'll ask you please sir, if Mr. Akin was still

10                                       there when you left?

11                    A.    Yes sir, he was there.

12                    Q.    Mr. Burnside, when was it that you were called

13                                       upon to try to recall the date of this conver-

14                                       sation?

15                    A.    It was, I don't remember the date but it was

16                                       several months later, in fact, it was after Mr.

17                                       Akin was arrested.

18                    Q.    Was it somewhere around that time?

19                    A.    It was after that.

20                    Q.    Who was it that called on you to try to remember

21                                       what date it was that you had talked to him?

22                    A.    Mr. Akin.

23                    Q.    Yes sir, and you say that was approximately how

24                                       long after he was arrested?

25                    A.    Well I don't know exactly what day he was arrested

on but it was several days later, I know.

Q. Was that the year of 1964 or some other year?

A. I believe it was in 1965, I believe it was in '65.

Q. Now, how is it that you recall that this was the specific date that you talked to him?

A. Well it certainly is not easy to remember back that far and when he first asked me about it I couldn't remember it. I remembered our conversation well, but I didn't remember the date on the thing and he reminded me that it was on Father's Day which helped of course, but I still wasn't positive that it was this day so he went in and got out of his file and got some papers and contracts, etc., on the same ones that we looked at on the night that I was there and then it began to come back to me, and the more I thought about this thing, Mr. Akin asked me to refresh my memory as well as I could and be positive, he wanted me to be positive, and it was this night.

Q. Now Mr. Burnside, was this an important conversation to you with reference to your personal affairs?

A. Yes----

1 BY MR. HAUBERG:

2 We object to that, if the Court please.

3 BY THE COURT:

4 Overruled.

5 BY MR. PIGFORD:

6 Q The Judge says you may answer.

7 Q Well, I was interested in, of course, in a better  
8 job, yes sir, I was interested in it. I would  
9 say it was an important opportunity.

10 BY THE COURT:

11 Let me ask you this. Do you know what day of the  
12 week it was that you had this conversation?

13 BY THE WITNESS:

14 It was on a Sunday.

15 BY THE COURT:

16 And Mr. Akin's force was working on Sunday?

17 BY THE WITNESS:

18 Yes sir, they were working.

19 BY THE COURT:

20 Were any of them working when you left the place at  
21 10:00 o'clock?

22 BY THE WITNESS:

23 When I left that night, no sir.

24 BY THE COURT:

25 So you were the last ones to leave?

1 BY THE WITNESS:

2 Yes sir, we talked for several hours there and when  
3 I left Mr. Akin was locking up when I left.

4 BY MR. PIGFORD:

5 Q Was there anything else that aided you in re-  
6 calling this particular date and that it was  
7 Father's Day?

8 A Well, of course, this was the first time that  
9 Mr. Akin offered me a job with his company, but  
10 after I looked at the same papers and he was  
11 opening his lot at Chalmette and was opening  
12 it on the following day, in fact, he was packed  
13 and getting ready to go to Chalmette the next  
14 morning.

15 Q Now Mr. Burnside, did you go with Mr. Akin's  
16 company?

17 A Not at that time, no sir.

18 Q Have you been employed by his company since that  
19 time?

20 A Yes sir.

21 Q About how long?

22 A How long was I employed there?

23 Q Yes sir.

24 A About a year.

25 Q And when was that?

- 1 A. It was over in 1965, it was in '65.
- 2 Q. What month, do you remember?
- 3 A. No, I don't. I don't recall just off hand.
- 4 Q. And how long was it that you worked for his
- 5 company?
- 6 A. One year.
- 7 Q. And where was that location that you worked at?
- 8 A. On Tom Bailey Drive.
- 9 Q. In Meridian?
- 10 A. In Meridian, yes sir.
- 11 Q. Now Mr. Burnside, do you know any of the
- 12 defendants in this case, or do you know who they
- 13 are?
- 14 A. Yes sir, I know some of them.
- 15 Q. Do you know Sheriff Lawrence Rainey?
- 16 A. Yes sir.
- 17 Q. How did you come to know him please sir?
- 18 A. Well the Sheriff used to work for Swartzfager
- 19 Ford, I'm sorry, it was Burdette Ford at that
- 20 time, the Swartzfagers bought it out later, and
- 21 I knew him there the first time.
- 22 Q. Did you work there at that time?
- 23 A. Yes sir.
- 24 Q. About how long have you known Sheriff Rainey?
- 25 A. I would say fifteen or more years.

1 Q. Are they any close ties between your family and  
2 his family?

3 A. No sir.

4 Q. I'll ask you if you know Mr. Cecil Price?

5 A. Yes sir.

6 Q. How did you come to know him, Mr. Burnside?

7 A. I met him around at Sellers Oldsmobile, they  
8 bought a car from there.

9 Q. Did he buy the car?

10 A. Yes sir, I believe he did.

11 Q. And who sold it to him?

12 A. I believe Mr. Bill Sellers sold it to him.

13 Q. But you did meet him there?

14 A. I met him there, yes sir.

15 Q. Have you had any association with him since that  
16 time?

17 A. Well nothing, except I shook hands with him out  
18 there in the hall last week.

19 Q. How about Mr. Edgar Ray Killen, do you know him?

20 A. Yes sir.

21 Q. How did you come to know him please sir?

22 A. Well I sold him trucks back through the years.

23 Q. All right. Mr. Wayne Roberts, do you know him?

24 A. Yes sir.

25 Q. How long have you known him?

- 1 A. Well, Wayne went to school with one of my sons,  
2 oh, I'd say, twenty years.
- 3 Q. You have known him that long?
- 4 A. Yes sir.
- 5 Q. And association between your family and his  
6 family? That is visiting or anything of that nature?
- 7 A. No sir.
- 8 Q. How about Jimmie Townsend, do you know him?
- 9 A. No sir.
- 10 Q. How about Mr. Travis Barnett?
- 11 A. Yes sir, I know him.
- 12 Q. How did you come to know him?
- 13 A. Well he works down at Swartzfager Ford with me  
14 for years.
- 15 Q. You were down <sup>there</sup> / the same time he was?
- 16 A. Yes sir.
- 17 Q. How about Mr. Horace Doyle Barnett?
- 18 A. No sir, I don't know him.
- 19 Q. How about Mr. Hop Barnette, from Neshoba County,  
20 do you know him?
- 21 A. No sir, I don't know him.
- 22 Q. Do you know Mr. Sam Bowers?
- 23 A. No sir.
- 24 Q. Do you know Mr. Herman Tucker?
- 25 A. No sir.

1 Q. Do you know Mr. Olen Burrage?

2 A. No sir, I don't know him.

3 Q. Mr. Frank Herndon, do you know him?

4 A. I know him when I see him, I know who he is.

5 Q. How long have you known him, or how did you come  
6 to know him?

7 A. I believe I saw him down at Mr. Akin's trailer  
8 park when I was working down there.

9 Q. Do you know what connection he was there, or did  
10 you know?

11 A. No sir. I don't know.

12 Q. Mr. Billy Wayne Posey, do you know him?

13 A. No sir, I don't know him.

14 Q. Do you know Mr. James "Pete" Harris?

15 A. I know who he is, I don't know him personally.

16 Q. Do you know any of the other defendants in this  
17 case that I have not called?

18 A. I don't believe so.

19 Q. Now, I'll ask you please sir, if you have dis-  
20 cussed this case with any of the other defendants  
21 other than Mr. Akin?

22 A. Uh, well I discussed with you and Mr. Hendricks.

23 Q. I mean any of the other defendants?

24 A. No sir.

25 Q. Not at all?

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A. No sir.

Q. Now Mr. Burnside, I will ask you please sir, that while you were talking with Mr. Akin on the 21st of June, 1964, did you see any of these defendants in and about that lot or in the trailer or any where around there?

A. No sir, I did not.

Q. Those that you say you know here, did you know them then?

A. Excuse me, except Mr. Akin, I saw him.

Q. Yes sir. These people that you say you now know, did you know them at that time?

A. Yes sir. I knew all of them, I didn't know Mr. Herndon at the time.

Q. This time that you saw Mr. Herndon at Mr. Akin's place, was it on this occasion?

A. Oh no, this was several months later.

Q. When was it that you did see Mr. Herndon there, after Mr. Akin was arrested or before he was arrested?

A. It was after he was arrested.

Q. Could you tell us about when it was?

A. I believe it was in the summer or '65, I don't remember exactly when it was.

Q. Mr. Burnside, where do you live?

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1 A 605 51st Avenue.

2 Q And do you know where Mr. Akin lives?

3 A Where he lives now?

4 A Yes sir.

5 Q Does he live in Meridian or where?

6 A He lives in Meridian.

7 Q I will ask you please sir, how long you have  
8 known him?

9 A I have known him about eight or nine years.

10 Q Do you know his general reputation in the  
11 community where he lives for peace or violence,  
12 do you know that general reputation of Mr. Akin?

13 A I didn't understand the question.

14 Q All right, I will repeat it. Do you know Mr.  
15 Akin's general reputation in the community where  
16 he lives for peace or violence?

17 A Yes sir.

18 Q Is it good or bad?

19 A Its good.

20 Q I'll ask you please sir, if you know the  
21 general reputation of Mr. Akin in the community  
22 where he lives for moral character?

23 BY MR. HAUBERG:

24 We object to that, in the Court please.

25 BY THE COURT:

1 Overruled.

2 BY MR. PIGFORD:

3 Q Do you know that?

4 A Yes sir.

5 Q Is it good or bad?

6 A Its good.

7 Q May I have just a second please, Your Honor?

8 BY THE COURT:

9 Yes sir.

10 BY MR. PIGFORD:

11 Q Mr. Burnside, did you know James Jordan say in  
12 1964?

13 A No sir.

14 Q You do not then know where he was working in 1964?

15 A Well, I've heard.

16 Q No, not unless you know.

17 A I didn't know sir.

18 Q That's all, Your Honor.

19 CROSS EXAMINATION

20 BY MR. DOAR:

21 Q Mr. Burnside, what are you doing now?

22 A I sell automobiles.

23 Q How long did you work for Mr. Akin?

24 A About a year,

25 Q Could you tell us when you started working there?

1 A. No sir, I don't remember exactly, I just know it  
2 was in '65.

3 Q. Where are you working now?

4 A. At Temple Ford Company?

5 Q. How long have you worked for Temple Ford Company?

6 A. Well, Mr. Temple just bought the dealership out  
7 about six weeks ago.

8 Q. So then you have worked for Temple Ford for six  
9 weeks?

10 A. Yes sir.

11 Q. What did you do before that?

12 A. I worked for Swartzrager Ford.

13 Q. And that was the dealership before Mr. Temple?

14 A. Yes sir.

15 Q. How long did you work for that Ford dealer?

16 A. In all?

17 Q. Yes. Going back from six weeks ago.

18 A. I would say five or six years in all.

19 Q. The last time you went to work for them how long?

20 A. Well the last time, I would say about a year and  
21 a half.

22 Q. About a year and a half. That will take us back  
23 until about the early part of 1966, who did you  
24 work for before that?

25 A. I worked for Mr. Akin.

- 1 Q. Then would you say it was in January or February  
2 when you stopped working for Mr. Akin?
- 3 A. No, I don't, I just don't remember/
- 4 Q. Did you leave there because of a better job?
- 5 A. Well, actually in a way, that's true, because  
6 you see, over the years you build up your  
7 customers and at the first of the year in the  
8 automobile business you know you are going to  
9 sell certain people, but if you stay out too  
10 long you loose these customers see, so I would  
11 say its a better job overall, yes sir.
- 12 Q. Did you have this conversation with Mr. Akin  
13 on the 21st of June while you were working with  
14 him?
- 15 A. No sir, I wasn't working with him at that time.
- 16 Q. H w soon after you had the conversation with  
17 Akin that you went to work for him?
- 18 A. I would say it was seven or eight months later  
19 approximately.
- 20 Q. Seven or eight months later, and you worked for  
21 him about a year?
- 22 A. Approximately, yes sir.
- 23 Q. Well seven or eight months later, the date of  
24 Mr. Akin's arrest was December the 24th, 1964?
- 25 A. Yes sir.

1 Q. And you say you had this conversation with Mr.  
2 Akin shortly after he was arrested?

3 A. Yes sir.

4 Q. By shortly thereafter what do you mean by that?

5 A. Now which talk are you referring to?

6 Q. The one where you were asked to remember the  
7 conversation on the 21st of June 1964?

8 A. I would say it was several days after his arrest,  
9 I would say about a week.

10 Q. Then that was in December, 1964?

11 A. I believe it was.

12 Q. Then you didn't go to work for him until several  
13 months after that?

14 A. No sir, it was just a few weeks after that, it  
15 wasn't too long after that.

16 Q. I thought you said it was several months after  
17 that before you went to work for him?

18 A. That was the first talk that I had with him, it  
19 was about seven months after I had the first con-  
20 versation with him.

21 Q. Then it was several months after you had the  
22 conversation with him on June the 21st, and then  
23 you went to work for Mr. Akin several weeks after  
24 you had this conversation with him after he  
25 was arrested?

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A. That's right.

Q. Now did he come to you or did you go to him about going to work for him?

A. He asked me.

Q. But you were interested in getting a job with him back in June of 1964?

A. Yes sir.

Q. That fell through at that time?

A. Well, I decided not to accept the job, yes sir.

Q. Was the job going to take you from Meridian?

A. It was, that was the reason I didn't take it.

Q. Did the job he offer you several weeks after he talked to you after he was arrested did that involve more money than the job he had offered you in June?

A. It was the same.

Q. Did it involve you moving out of the State?

A. No sir.

Q. And---

A. The last job, I mean the job that I went to work for him, didn't involve me moving out of Meridian.

Q. Now, you say that Mr. Akin's trailer park has a front office and a back office?

A. Yes sir.

Q. And you were in the back office? Most of the

time?

A. Yes sir.

Q. In fact you were in the back office all of the time except when you went to get coffee?

A. Well, I went to the restroom, of course, and yes sir, I would say other than that.

Q. And was Mr. Akin in the back office with you all the time?

A. Well, he was in there----

Q. In and out?

A. He went out to the door and right outside the door and talked with Mr. Clark, I remember, two or three times.

Q. It is possible that he could have gone out the front and talked to a customer and you wouldn't have remembered it, just possible?

BY MR. BUCKLEY:

Your Honor, if it please the Court, I object to him asking the witness to indulge in possibilities we are concerned with probabilities.

BY THE COURT:

Sustained.

BY MR. DOAR:

Q. Could he have gone out and talked to a possible customer while you were there?

1 A I don't remember him going out and talking with  
2 a customer while I there.

3 Q And what time did you say you went to the Lamp  
4 Post, was it?

5 A We went down there about 8:30.

6 Q What made you recall the time?

7 A Well, I don't remember exactly but I would say  
8 we were in there discussing this things about  
9 two hours or maybe a little longer and I suggested  
10 that we go get a cup of coffee and we went down  
11 there and got a cup of coffee.

12 Q How long were you down there at the Lamp Post?

13 A Well, I would say approximately twenty or twenty-  
14 five minutes.

15 Q Then you came back to the trailer?

16 A We came back to the office.

17 Q To the office, were there people around there  
18 when you got back to the office?

19 A No sir.

20 Q But before you left, there were some people around  
21 the outside and around the office?

22 A When I first got there Sunday evening there were  
23 people on the lot, yes sir.

24 Q Did you pay any particular attention to anyone  
25 of those persons?

1 A. No, I didn't.

2 Q. Were you in a position to see cars pulling up  
3 let me withdraw that question. Is there a place  
4 where you can get gasoline at Mr. Akin's place,  
5 his trailer place?

6 A. I don't, it is a place now that you can get  
7 gasoline, yes sir.

8 Q. Do you recall where you <sup>could</sup> get gasoline then?

9 A. No, I don't. I don't remember.

10 Q. Was there a place where you could get gasoline  
11 while you worked there?

12 A. Yes sir.

13 Q. And was that out in the front or out on the side?

14 A. Its on the back, back close to the shop back there.

15 Q. And could you see that gas pump from the office  
16 which you were sitting?

17 A. No sir.

18 Q. So if there were someone back around those gas  
19 pumps you wouldn't be able to tell if they were  
20 there that night?

21 A. No sir.

22 Q. Then you don't want to tell the Court and Jury  
23 that you know for certain that there was no one  
24 around the gas pumps?

25 A. No, I wouldn't know about that, no.

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Q Now there is quite an open spot outside his office isn't it?

A Yes sir.

Q And there were people, customers walking around looking at the trailers on the outside of the office that afternoon?

A Yes sir.

Q And could you see all of this entire area from the office, from that back office where you were?

A No sir.

Q Are there any windows in that back office at all?

A Yes, it is, two small windows.

Q But the visibility isn't too good?

A No sir.

Q The view isn't good.

A Restricted, yes sir.

Q This office that you were in. Did this face directly to the front or when you looked out of the door, what did you see?

A Well, all you could see was the hall and you could see if the door was opened you could see in the front office.

Q But you couldn't see the entire front office?

A No sir.

Q Just through the doorway.

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A. Just through the passageway, yes sir.

Q. How far back is the back office from the front office?

A. ----

BY MR. HENDRICKS:

We object, Your Honor, he's talking about the credit office, not the one he was in.

BY THE COURT:

Well he wants to know about the office as it was then, so just ask him the question in that respect.

BY THE WITNESS:

A. How far was the front office from the back office at that time?

Q. Yes.

A. I would say ten feet or twelve or something like that.

Q. How big is the back office?

A. Well its a small office, probably eight by ten.

BY THE COURT:

Is this office in a trailer?

BY THE WITNESS:

Yes sir, its in a trailer.

BY THE COURT:

So he just had a trailer partitioned, is that what you are saying?

1 BY THE WITNESS:

2 Right. Yes sir.

3 BY MR. DOAR:

4 Q Now are these windows in the trailer, are they  
5 high windows or low windows back in the back  
6 office?

7 A Well, they were, as I remember it, they were  
8 about two feet square I would say, and about  
9 three feet from the floor.

10 Q And you say you discussed some contracts that  
11 day?

12 A Yes sir.

13 Q What kind of contracts?

14 A Well, of course, the trailer business is a  
15 financing business, I mean that's the way they  
16 are sold and paid for usually people finance  
17 them, and the method of financing is very im-  
18 portant in any business because the credit  
19 in financing is too severe when you are selling  
20 the product, and of course, I was very much  
21 interested in that and the company he financed  
22 with and the rates of interest he charged,  
23 insurance charges and that kind of things.

24 Q How many contracts did you look at?

25 A It was the general thing, or course, I don't

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remember, the type that we were discussing, the type trailer he was selling, the profit it involved in, the trade-ins, you see I wasn't familiar with the business at all and being interested, I wanted to learn something about it before I committed myself and the amount of financing that could be done on the trailer, the amount of down-payment, that type of things.

Q. So you don't remember how many contracts you looked at?

A. I remember we looked over Midland-Gardner and Michigan State Contract, there might have been some others, I don't remember.

Q. Now how long did you say you had known Mr. Akin?

A. I've known him about eight or nine years.

Q. And you say you know Mr. Herndon?

A. I know him by sight, yes sir.

Q. You are a good friend of Mr. Akin?

A. Yes sir.

Q. And you worked for him and your relationship while you worked with him was pleasant?

A. Yes sir, it was.

Q. And when you left there you didn't leave under any unpleasantness?

A. No sir.

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Q You visit Mr. Akin?

A Yes sir.

Q And he visits in your home?

A Yes sir.

Q And you see each other frequently?

A Yes sir.

Q And you have any business dealings together?

A No, I don't believe I've had any with him since I've left the place, you mean business in the sense of automobile business?

Q Yes, any business transaction with him?

A No sir.

Q None at all?

A No sir, I don't remember.

Q Thank you.

J. W. (JOHNNY) STEWART, called as a witness for and on behalf of defendants, was sworn and testified as follows:

DIRECT EXAMINATION

BY MR. FIGFORD:

May it please the Court, this is Mr. J. W. Stewart.

Q Mr. Stewart, how old are you please sir?

A I'm forty-one years old?

Q Are you always called John Stewart?

A Johnny.

1 Q. Where do you now work?

2 A. I work for the City of Meridian as a Police  
3 Patrolman.

4 Q. And how long have you worked for the Meridian  
5 City Police Department?

6 A. Since 1952. Fifteen years.

7 Q. I will ask you please sir, that during that time  
8 if or not Mr. C. W. Miller, Mr. Wallace Miller,  
9 has also been employed with that department?

10 A. Yes, he has.

11 Q. Has he been employed all of the fifteen years  
12 you have been there?

13 A. That's right.

14 Q. Now, do you know where Mr. Miller lives?

15 A. Yes sir.

16 Q. What city and town does he live in?

17 A. He lives here in Meridian, Mississippi.

18 Q. And where do you live?

19 A. Meridian, Mississippi.

20 Q. Mr. Stewart, have you been associated with Mr.  
21 Miller?

22 A. I have.

23 Q. In your various duties with the Police Depart-  
24 ment or otherwise?

25 A. On the police department and otherwise.

1 Q Do you know Sergeant Millers reputation in the  
2 community where he lives?

3 A I do.

4 Q Do-----

5 BY MR. HAUBERG:

6 We object to that, if the Court please.

7 BY MR. PIGFORD:

8 Let me start over with my question, please.

9 Q Do you know his general reputation in the  
10 community where he lives for truth and veracity?

11 BY MR. HAUBERG:

12 We object to that, if the Court please.

13 BY THE COURT:

14 On what grounds?

15 BY MR. HAUBERG:

16 We don't believe it is proper for them to have  
17 a witness, character witness on a witness that  
18 has testified.

19 BY MR. PIGFORD:

20 Your Honor, we think we are justified in attacking  
21 a witness' credibility.

22 BY THE COURT:

23 I'll overrule your objection.

24 BY MR. PIGFORD:

25 You may answer.

A. I do.

Q. Is it good or bad?

A. Bad.

Q. I ask you please sir since you've been associated with him if you would believe Sergeant Miller under oath?

BY MR. HAUBERG:

We object to that, if the Court please.

BY THE COURT:

Overruled.

BY MR. PIGFORD:

Q. The Judge says you may answer.

A. I wouldn't believe him under oath.

Q. I believe that's all.

BY THE COURT:

Is Miller still working for the City of Meridian as a policeman?

BY THE WITNESS:

Sir, I haven't seen him, but I understand he is. He works a different shift than what I work.

BY MR. BUCKLEY:

May I ask him some questions, please?

BY THE COURT:

Yes sir.

BY MR. BUCKLEY:

1 Q Sir, do you know Wallace Miller's general  
2 reputation for truth and veracity on the job  
3 where he works?

4 BY MR. HAUBERG:

5 We object, if the Court please.

6 BY THE COURT:

7 Sustained.

8 CROSS EXAMINATION

9 BY MR. HAUBERG:

10 Q Mr. Stewart, have you ever worked with Mr. Miller?

11 A Yes sir, I worked the patrol car with him.

12 Q As his partner?

13 A Yes sir, and I worked under him as outside  
14 Sergeant.

15 Q You are a Sergeant now?

16 A He's a Sergeant.

17 Q He is a Sergeant with the Police Department now?

18 A Yes sir.

19 Q How long has he been in such a position?

20 A I don't know exactly, I would say approximately  
21 four or five years.

22 Q That's a position that carries with it respon-  
23 sibilities is it not?

24 A Very much so, yes sir.

25 Q And he's been in it four or five years?

A. What time he wasn't suspended, yes sir.

Q. If the Court please, we object to his not being responsive to the question.

BY THE COURT:

Yes, you may ask him that question over, and witness you respond to the question, we will have no ad libem.

BY MR. HAUBERG:

We would like to move that his answer be stricken.

BY THE COURT:

Yes, just disregard his answer, Members of the Jury. Ask him that question again and I want an answer from you.

BY MR. HAUBERG:

May I have the Court Reporter read that part of the question back, the last part?

BY THE COURT REPORTER:

And he's been in it four or five years?

BY THE COURT:

You want to answer it now or later?

BY THE WITNESS:

A. Yes sir, that's approximately right, I couldn't say the exact number of years he's been in as a Sergeant.

Q. Now, do you know whether or not Sergeant Miller is also connection with the National Guard?

Miller?

now?

by

- 1 A Yes sir, he is connected with the National  
2 Guard.
- 3 Q Do you know what position he has with that?
- 4 A No sir, I don't, I've seen Sergeant's stripes  
5 on his sleeve is all.
- 6 Q You've seen Sergeant stripes on his National  
7 Guard uniform?
- 8 A I would assume he is a Sergeant in the National  
9 Guard.
- 10 Q And you know that is also an office of  
11 responsibility?
- 12 A Yes sir, I'd say so.
- 13 Q Do you know how long he has been with the  
14 Police Department?
- 15 A No sir, I don't.
- 16 Q Was he there when you started working in 1952<sup>th</sup>?
- 17 A He was.
- 18 Q Do you know any of these defendants in this  
19 case?
- 20 A Yes sir, I know some of them.
- 21 Q Would you start over here and go down the line  
22 and tell us which ones you do know?
- 23 A I know Travis Barnett, the next fellow to him  
24 I don't know, in my opinion, that's Sheriff  
25 Rainey next to him, the next gentlemen I don't

know, the gentlemen right behind Mr. Hendricks there I don't know, I believe this fellow's name is Snowden, Pete Harris, Reverend Killen, the fellow here I don't know; the next fellow there I don't know, Mr. Akins I know him.

BY THE COURT:

Just tell us the ones you do know.

BY MR. HAUBERG:

Q. Would you go on behind you there and tell us which ones of those you do know?

A. I know Mr. Roberts, I've just met Mr. Barnett since I've been up here, I know Frank Herndon and Cecil Price.

Q. How long have you known Cecil Price?

A. Just met him up at Philadelphia while he was in the Sheriff's Office up there. about 3 or 4 years.

Q. About how often do you go to Philadelphia?

A. Oh, I've only been up there a couple of times, one time to see about a stolen car back in the summer.

Q. You mean this year?

A. Yes sir.

Q. Did you know him in 1964?

A. No sir.

Q. Did you know any of these defendants back in 1964?

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A. Yes sir.

Q. Which ones of these defendants did you know back in 1964? June of 1964?

A. I knew Mr. Barnett over there.

Q. Is that Travis or Doyle?

A. Travis.

Q. Who else.

A. I knew Mr. Snowden, Mr. Pete Harris, Reverend Killen, Mr. Akin, Mr. Herndon, and Mr. Wayne Roberts.

Q. Do you belong to any organization that any of those defendants belong to?

A. Sir?

Q. Do you belong to any of the organizations that any one of those defendants belong to?

A. Well, that I wouldn't know. I believe Mr. Barnett over there belongs to the V. F. W. over here, I've seen him out there and I assume he's a member of the V. F. W.

Q. Have you talked with any of these defendants any time within the past few weeks?

A. I imagine I have, I don't remember any particular conversation, but I imagine I have, because I've seen them.

Q. Have you been in the courtroom anytime during

this trial?

A. No sir.

Q. Have you talked with any one of these defendants concerning the Neshoba County incident?

A. I can't remember having a conversation with any of these gentlemen about it.

Q. When was the first time that you knew you would be a witness in this case?

A. I believe it was Thursday, Thursday night.

Q. And you haven't talked to any of these defendants since Thursday night?

A. I probably spoke to them, and might have something to them.

Q. How many of these parties that you say you know that you consider your friends?

A. Well I consider all of them being a friend and Mr. Akin and I have been acquainted for sometime, I consider him my friend, Pete Harris, Reverend Killen, I haven't known him too closely, but I would consider him my friend, Barnett, I would consider him my friend, Mr. Herndon, Wayne Roberts and Cecil Price, I would consider all or them my friends.

Q. Do you recall seeing Cecil Price, Sheriff Rainey or Reverend Killen down here in Meridian sometimes

1 during that time but I couldn't pinpoint the  
2 time.

3 Q You wouldn't undertake to tell this Court that  
4 you had seen them on Father's Day in June of  
5 1964?

6 A No sir, I wouldn't.

7 Q How did you happen to know Reverend Killen?

8 A I met him here in Meridian, along with Sergeant  
9 Miller.

10 Q When did you meet Reverend Killen?

11 A Sir, I don't remember exactly when I met Reverend  
12 Killen.

13 Q Well give us your best recollection?

14 A I would say it was sometimes in 1963, 1962 or  
15 1963, somewhere along in there.

16 Q So you say you met him when you saw him with  
17 Sergeant Miller?

18 A I have had coffee with Miller and would see  
19 Killen.

20 Q Say you were having coffee with Miller and you  
21 would see Killen?

22 A When we would be patrolling.

23 Q Would that be out at the Longhorn?

24 A No sir, it was at the Lamp Post.

25 Q The Lamp Post?

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A. Yes sir.

Q. Now, the first time you met Reverend Killen you think it was either in 1962 or 1963?

A. Somewheres thereabouts.

Q. And since that time have you had coffee with him anymore?

A. Well, I don't remember specified times, I've seen him from time to time.

Q. Well you and he are good friends?

A. I would say we are friends.

Q. Have you ever met him out at the Longhorn?

A. No sir, I don't ever remember seeing Reverend Killen out at the Longhorn.

Q. You know that Mr. Herndon use to operate the Longhorn?

A. Yes sir.

Q. Is that where you learned Mr. Herndon?

A. I believe the first time I ever saw Frank Herndon it was at the Longhorn.

Q. You met him at the Longhorn, does he still operate the Longhorn?

A. No sir.

Where is he now?

A. I don't know what his occupation is now.

Q. He doesn't live in Meridian anymore?

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A. I couldn't say where he does not.

Q. Did you ever meet Wayne Roberts out at the Longhorn?

A. No sir.

Q. Did you ever meet any of these other defendants either at the Longhorn or Akin Trailer Court, or trailer business?

A. No sir, I believe the only man I've ever talked to at the trailer court would be Mr. Akin, maybe in passing I would stop and say something to him.

Q. You never did buy a trailer from him?

A. Couldn't afford it, no sir.

Q. Did you ever see either Mr. Price or Rainey out at the Longhorn?

A. No sir.

Q. Mr. Stewart, are you related to any of these defendants?

A. Yes sir, but I don't know how much.

Q. Who are you related to?

A. I'm related to Travis Barnett, I think we are third or fourth cousins, or something, but I think I'm related to him.

Q. Are you related to anyone else?

A. Not that I know of, to the best of my knowledge I don't think I am.

Q. Are you related by marriage to any of them?

A. No sir.

Q. Do you know police officer on your force named Lee Roberts?

A. I do.

Q. Do you know what relation he is to Wayne Roberts?

A. I understand they are brothers.

Q. Do you have any close relationship with Lee Roberts and Wayne Roberts because of that relationship?

A. The only relation I have with Officer Lee Roberts is at the police department. I try to be as congenial as I can be to get along with him, we have worked together before.

Q. You've worked with Lee Roberts?

A. Yes sir, I've never been assigned to Lee Roberts but we've worked extra.

Q. You mean you've never worked with him as a team?

A. For eight hours we have, but as far as being assigned to the same patrol car, no sir.

Q. Well, have you seen Wayne Roberts down around the police station a good bit?

A. No sir.

Q. Does he come down there at all?

A. I couldn't say whether he does or not.

1 Q Well when you are down there would you ever say  
 2 you've seen him come down there during the time  
 3 you are there?

4 A No sir, I work the eleven to seven shift and  
 5 nobody ever comes down there.

6 Q The eleven to seven shift, in the day time or  
 7 night time?

8 A Night time.

9 Q And you work that shift every day in the week?

10 A Yes sir, that's my shift, eleven to seven.

11 Q And you do or work that shift all the months in  
 12 the year?

13 A We bid on it by the year, yes sir.

14 Q But you never go to work on any other shift but  
 15 from eleven to seven at night?

16 A I changed two months ago and come on the eleven  
 17 to seven shift, I was on the daytime shift then.

18 Q So you do shift, do you?

19 A Yes sir, we shift once a year.

20 Q About how long have you worked this eleven to  
 21 seven shift?

22 A This eleven to seven shift on the last time for  
 23 approximately two or three months.

24 Q And then you will change over again?

25 A If I decide I want to work on it again I will

bid it, its worked on seniority basis.

Q. Mr. Stewart, are you a member of the White Knights of the Ku Klux Klan?

A. No sir.

Q. Are you a member of any Klan organization?

A. No sir.

Q. Have you ever been?

A. No sir.

Q. Do you know whether or not any of these defendants are members of the White Knights of the Ku Klux Klan?

A. I wouldn't know sir.

Q. Have you ever heard any of them ever say whether they were or not?

A. They've never discussed it with me, no sir.

Q. So you know nothing about any of them belonging to that organization?

A. No sir, I don't.

Q. I believe that's all, if the Court please.

REDIRECT EXAMINATION

BY MR. PIGFORD:

Q. Mr. Stewart, what would you classify the Longhorn there as, is it a public place or a private place?

A. Yes sir, its a drive inn restuarant, it was

licensed to do food business.

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Q. Have you ever been down there in your official capacity to see what was going on down there?

A. Yes sir.

Q. Is that when you learned that Mr. Herndon was there?

A. That's when I got acquainted with Mr. Herndon.

Q. In other words as a patrolman you became acquainted with him?

A. Yes sir.

Q. You don't socialize with Mr. Herndon do you?

A. No sir.

Q. You don't go to his house or he comes to your house?

A. No sir.

Q. I'll ask you sir whether or not you know where Mr. Akin's trailer park or trailer court is on Tom Bailey Drive?

A. Yes sir, I know where it is.

Q. Have you ever been in there and talked with Mr. Akin himself?

A. I've just passed there maybe in the drive way, and as far as carrying on a conversation I haven't just stopped there and talked to him, no.

Q. But you did know he was connected with that place?

A. Yes sir, I knew him before he moved to that